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APPLICATION NO. 09/196,680	FILING DATE 11/20/98	FIRST NAMED INVENTOR MEYER	ATTORNEY DOCKET NO. 5903-157
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000570 QM02/1223
AKIN GUMP STRAUSS HAUER & FELD LLP
22ND FLOOR ONE COMMERCE SQUARE
2005 MARKET STREET
PHILADELPHIA PA 19103

EXAMINER O HANLON, S

ART UNIT 3752	PAPER NUMBER
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DATE MAILED:

12/23/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/196,680

Applicant(s)
Meyer et al

Examiner
Sean O'Hanlon

Group Art Unit
3752



☒ Responsive to communication(s) filed on 20 Nov 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-16 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-16 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on 20 Nov 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION :

Preliminary Amendment

1. Receipt of applicant's preliminary amendment filed May 3, 1999 is acknowledged. Said amendment has been placed in the file as paper 5.

Information Disclosure Statement

2. It is noted that no information disclosure statement has been filed.

Drawings

3. See the notice of draftperson's drawing review, form PTO 948, included with this Office action.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "32f" has been used to designate both the front face and the cupped surface of the plug (see figure 2). Correction is required.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference signs mentioned in the description: "Line 2-2" mentioned on page 3 line 7, "32b" mentioned on page 5 line 12, "44a" mentioned on page 9 line 2, "80", "82", "84", "86", "88", and "F" all mentioned on page 11 lines 12-15, and "A" mentioned on page 12 line 17.

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6. It is suggested reference characters "22", "24", and "axis A-A" be added to figure 7, since they are indicated as being there on page 10 lines 21-22.

Specification

7. This application does not contain an abstract of the disclosure as required by 37

CFR 1.72(b). An abstract on a separate sheet is required.

8. The disclosure is objected to because of the following informalities:

United States Patent 5,466,022, incorporated by reference on page 1 lines 7-9, does not appear to contain the subject matter indicated in the cited location.

It appears -- than -- should be added after "greater" on page 1 line 15.

Line 2-2, referenced on page 3 line 7, does not appear in the drawings.

Applicants' use of the word "montolithically" on page 4 line 21 is not understood.

There appears to be a word missing on page 5 line 8 (may or may *not* be received).

Reference character "28" is defined as "trigger/bulb" on page 6 line 11 and as "screw" on page 6 line 13. It is suggested the first instance be replaced with -- 38 --.

It appears a unit of measurement should be included after "0.77" and "0.63" on page 7 lines 15-16.

It appears "16 x 20 (320)" on page 9 line 20 should be -- 320 (16 x 20) --.

There appears to be a comma missing after "Fig. 7" on page 10 line 7.

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There appears to be word missing on page 10 line 10 (are substantially *shown* to relative scale).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

9. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

10. Claims 1-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

11. Regarding claim 1, the phrase "extended coverage to a sidewall automatic fire sprinkler" renders the claim unclear and indefinite. Claims 2-16 are rejected for depending on, and incorporating the limitations of, rejected claim 1.

12. Regarding claim 6, the range specified (up to 320 ft²) is outside the upper limit specified in claim 5 (up to 256 ft²), upon which claim 6 depends.

13. Regarding claim 10, the phrase "up to at least" appears to be self-contradictory, rendering the claim unclear and indefinite. That is, "up to" places an upper limit on the coverage area, while "at least" indicates that the upper limit may be larger than that specified. It is suggested "at least" be deleted. Claim 11 is rejected for depending on, and incorporating the limitations of, rejected claim 10.

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14. Regarding claim 11, the range specified (up to 16 ft x 20 ft) is outside the upper limit specified in claim 10 (up to 16 ft x 18 ft), upon which claim 11 depends.

15. Regarding claim 13, the range specified (up to 16 ft x 24 ft) is outside the upper limit specified in claim 12 (up to 16 ft x 20 ft), upon which claim 13 depends.

16. Claim 14 is rejected because the limitation "said ceiling sprinkler" in lines 14-15 of the claim lacks antecedent basis.

17. For the purposes of this Office action, the claims will be examined as best understood by the examiner.

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was

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made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

19. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over 5,609, 211 to Meyer et al ("Meyer") in view of 4,296,816 to Fischer ("Fischer").

Meyer discloses a sprinkler comprising:

a generally tubular body (12) having a central passageway (13), central axis (A-A), an outlet (16), a closure (18), a trigger (28), which is preferably a liquid-filled glass bulb (see column 4 lines 66-67), and a deflector (40);

where the K-factor of the body is greater than 9 and up to about 15 (see column 2 lines 31-32).

Fischer discloses a sprinkler and teaches the use of a deflector (38) shaped and positioned to transform a horizontal flow of water into a spray pattern of droplets dispersed over a generally horizontal, rectangularly-shaped coverage area (see figures 1 and 6). The coverage area may be up to 16 ft x 24 ft (see column 3 line 66 - column 4 line 7). The deflector comprises a generally planar face portion and a canopy portion (see figure 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the Fischer deflector with the Meyer sprinkler to provide a better water dispersement should the sprinkler be used in a sidewall mounted configuration (see Fischer, column 1 line 55 - column 2 line 5).

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Conclusion


20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. 5,727,727 to Bosio et al, 4,296,815 to Mears, and 2,101,694 to Tyden each disclose sidewall mounted sprinklers.

21. Any inquiry concerning this communication should be directed to Sean O'Hanlon whose telephone number is (703) 305-0056. The examiner can normally be reached Monday - Thursday from 6:30 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andres Kashnikow, can be reached on (703) 308-1137.

SPO

Sean P. O'Hanlon

December 15, 1999


Kevin Weldon
Primary Examiner